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January 16, 2024

- Via ECF -

Hon. Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**RE:** *U.S. v. Cabrera Da Corte, et al.*, 1:22-cr-00437-KPF-4  
Fabiella Spinelli Torres (Def. 4)  
Request to Adjourn Sentencing Hearing and Extension of Time to File  
Sentencing Submission

Dear Judge Polk Failla:

Our office represents defendant Fabiella Spinelli Torres in the above-referenced matter. She is currently scheduled to be sentenced on January 31, 2024, following her plea of guilty on October 27, 2023, pursuant to a plea agreement, to one count of Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1343. Ms. Spinelli Torres is presently out on bond.

Pursuant to Rule 32(b)(2), we are respectfully asking for a 60-day adjournment of the sentencing date and extension of the time for us to file Ms. Spinelli Torres' sentencing submission, which is due tomorrow, January 17, 2024. We have not yet received the final Presentence Investigation Report ("PSR") from the U.S. Probation Office ("USPO"). The draft report was sent to us on 12/22/23, and our timely objections submitted on 01/05/24, pursuant to Rule 32(f)(1) of the F.R.Crim.P.

As a practical matter, we believe that it is critical to review the USPO's final PSR and sentencing recommendation, in the event we need to address any unresolved objections in our submission. I have spoken with AUSA Emily Deininger concerning our request and she advised that the government does not object to our request for an adjournment and extension. Ms. Deininger further advised that both she and co-counsel Josiah T. Pertz will likely be on trial at the end of February and suggested an adjournment of 60 days.

Accordingly, we respectfully request that the sentencing hearing scheduled for January 31, 2023, be adjourned for 60 days or to a date convenient for the Court and all parties, and that the time for us to file Ms. Spinelli Torres' sentencing submission be extended until two

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weeks before the date chosen.

Thank you for your attention and consideration in this matter.

Respectfully Submitted,

/s/ Conor McNamara

Attorney for Fabiella Spinelli Torres  
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conor@cmcnlaw.com

cc: AUSA Emily Deininger (via ECF)  
AUSA Josiah T. Pertz (via ECF)

Counsel of Record (via ECF)

Application GRANTED. Defendant's sentencing is hereby  
ADJOURNED to **March 20, 2024**, at **11:00 a.m.** Defendant shall  
file her sentencing submission on or before **March 6, 2024**, and  
the Government shall file its submission on or before **March  
13, 2024**.

The Clerk of Court is directed to terminate the pending motion  
at docket entry 108.

Dated: January 17, 2024  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE